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ARMSTRONG PRODUCE, LTD.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

BUDDY P. KAMAKEEAINA,

Plaintiff,

v.

ARMSTRONG PRODUCE, LTD.,

Defendant.

CIVIL NO. \_\_\_\_\_

DEFENDANT ARMSTRONG  
PRODUCE, LTD.'S NOTICE OF  
REMOVAL OF STATE COURT  
ACTION TO FEDERAL COURT;  
EXHIBIT A; CERTIFICATE OF  
SERVICE

**DEFENDANT ARMSTRONG PRODUCE, LTD.'S NOTICE OF  
REMOVAL OF STATE COURT ACTION TO FEDERAL COURT**

Defendant ARMSTRONG PRODUCE, LTD., ("Defendant"), by and  
through its undersigned counsel, Torkildson Katz Hetherington Harris & Knorek,  
give Notice of Removal to the United States District Court for the District of

Hawai‘i of the state court action captioned *Buddy P. Kamakeeaina v. Armstrong Produce, Ltd.*, Civil No. 19-1-0038-01 JPC, filed in the Circuit Court of the First Circuit State of Hawai‘i, by Plaintiff BUDDY P. KAMAKEEAINA (“Plaintiff”). Defendants make the Notice of Removal under 28 U.S.C. §§ 1331, 1367 and 1441 and base it on the following:

### **BACKGROUND**

1. On January 9, 2019, Plaintiff filed the Complaint attached as Exhibit A (“Complaint”) in the Circuit Court of the First Circuit State of Hawai‘i, attempting to make claims for violation of state and federal discrimination laws, and intentional infliction of emotional distress. (Complaint at pp. 1-2, 9-22.) A copy of the Complaint and Summons was served on Defendant on March 11, 2019, and is attached as Exhibit “A.”

### **TIMELINESS OF REMOVAL**

2. This Notice of Removal is timely because Defendant Armstrong Produce, Ltd., is filing it within thirty (30) days after being served with a copy of Exhibit A on March 11, 2019 in accordance with 28 U.S.C. § 1446(b). *Murphy Bros. Inc., v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 119 S. Ct. 1322, 143 L. Ed. 2d 448 (1999).

**ORIGINAL JURISDICTION—ALLEGED VIOLATIONS OF TITLE VII  
AND THE REHABILITATION ACT**

3. According to 28 U.S.C. § 1331, this Court has original jurisdiction of Plaintiff's claims. The claims arise under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e to 2000e-17 and the Rehabilitation Act of 1973, 29 U.S.C. § 701 *et seq.*

**SUPPLEMENTAL JURISDICTION**

4. The Court has supplemental jurisdiction over any and all related state law claims alleged in the Complaint pursuant to 28 U.S.C. § 1367(a), because all of Plaintiff's claims under the Complaint form part of the same case or controversy. Plaintiff's state law claims share common operative facts (or alleged facts) with his federal law claims, and the parties are identical. Resolving all state and federal claims in a single action serves the interest of judicial economy, convenience, and fairness to the parties.

**VENUE**

5. Venue is proper because Defendant Armstrong Produce, Ltd., resides in Hawai'i, a substantial part of the events or omissions giving rise to the Complaint occurred in Hawai'i and Plaintiff originally brought this action in the Circuit Court of the First Circuit, State of Hawai'i. 28 U.S.C. §§ 1391.

## NOTICE OF REMOVAL

6. Defendant Armstrong Produce, Ltd., will promptly serve this Notice of Removal on Plaintiff and file it with the Clerk of the Circuit Court of the First Circuit, State of Hawai‘i.

7. According to 28 U.S.C. § 1446(a), attached is a copy of all of process, pleadings, and orders served on Defendant Armstrong Produce, Ltd.:

- Exhibit A: Complaint;

WHEREFORE, Defendant Armstrong Produce, Ltd., requests the above action pending before the Circuit Court of the First Circuit, State of Hawai‘i be removed to the United States District Court for the District of Hawai‘i.

DATED: Honolulu, Hawai‘i, March 29, 2019.

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/s/ Kendra K. Kawai

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